

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 9 August 2010	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Maydew House technical response to independent Surveyors report	
<b>Ward(s) or groups affected:</b>		Rotherhithe	
<b>From:</b>		Strategic Director of Environment and Housing	

### RECOMMENDATION(S)

1. That Cabinet notes this briefing from the Strategic Director of Environment and Housing.

### BACKGROUND INFORMATION

2. The discussions over the future of Maydew House entered the public arena earlier this year, and the issue was highlighted in the local press.
3. Two residents of Maydew House commissioned an external consultants report from A Tarling Esq. The report called into question a number of our intentions in relation to the improvement works programme, asbestos and the condition of the building. This report provides a technical response to the issues raised.

### RESPONSE TO THE SURVEY REPORT

4. The response to the report is noted in the following table, with the original comments from Tarling Esq. cited in bold italics with the Environment and Housing response noted directly below.

<b>Report number (per A Tarling report)</b>	<b>Comments received from A Tarling and Environment &amp; Housing response</b>
<b>1.5.1.4</b>	<p><b><i>Metal ceiling to the corridor with lighting with diffusers – diffusers of this type normally burn without self extinguishing releasing dense black toxic fumes and will drip burning plastic. This is a Section 20 building and there should be no flammable materials in the corridor. I have recovered a broken piece which I will be testing.</i></b></p> <p>The fittings conform to relevant British Standards and are suitable for the location.</p>
<b>2.1.2</b>	<p><b><i>Roof repairs are recommended. The roof covering cannot be the original and it is recommended that the files be inspected to ascertain whether the roof covering is still under guarantee.</i></b></p> <p>Whilst the roof is not leaking at present and the membrane is in generally good condition, the roof has very poor falls and is subject</p>

	<p>to 'ponding' which will in time will degrade it. Our consultants report has assumed roof replacement to correct the issue of the falls and therefore extend the roofs life.</p>
2.5.1.1	<p><b><i>Due to the presence of gas the Landlord is required to check the structural resistance to explosion in accordance with the following BRE report of 1987. "The structural adequacy and durability of large panel system dwellings" ISBN 0 85125 250 8</i></b></p> <p>All of our property stock has been inspected externally during 2009/10 by external Chartered Building Surveyors. No defects were recorded in relation to the panels.</p>
2.6.1	<p><b><i>The windows are replacement PVCu units that are at most 10 years old. I could not see any reason for their replacement.</i></b></p> <p>The windows were replaced in two phases, the most recent of which was over 15 years ago. The front façade were replaced on phase one and are of a lower standard and are nearing the end of their serviceable life span.</p> <p>In recognition of the other associated works proposed, which requires scaffolding, the window replacement costs is significantly lowered than undertaking this is a one off project at some future point.</p>
2.7.1	<p><b><i>The hoppers to the rubbish chute that I inspected are modern and not in need of any attention. I cannot see why they should be replaced.</i></b></p> <p>Our experience shows that the seals to hopper doors often require attention due to minor distortion in the door making a cold smoke seal not achievable.</p> <p><b><i>The door entry system is working, I met between 20 and 30 tenants and none of them had problems with the system. I cannot ascertain why they should be replaced.</i></b></p> <p>The system is beyond its expected life cycle and replacing on a planned preventative basis reduces the risk of service failure and represents better value for money for residents.</p> <p><b><i>The CCTV installation is old but still working although in need of replacing. Whilst the recording media and some cameras may require replacing, this is part of normal ongoing maintenance. The wiring should not require replacing.</i></b></p> <p>Not replacing the wiring has historically caused part replaced systems to fail to function correctly and limits the scope of the new equipment.</p> <p><b><i>The final escape door from the fire escape staircase into the concierge has a loose frame and is not sealed between the frame and structure. this must be rectified and the gap fire sealed with mineral wool and intumescent mastic.</i></b></p> <p>This was not identified in the Fire Risk Assessment (FRA) or Notice of Fire Safety Deficiency (NFSD), as issued by the London Fire Brigade. In fact the FRA noted that the door was being propped open when it needs to remain shut and protect bottom of escape stairs. As such, we can only assume this is a recent defect and we will instigate</p>

	<p>a repairs order to remedy.</p> <p><b><i>The fire escape door to the exterior at the bottom of the staircase is not labelled. This is the best means of escape as it does not take you into an unvented and potentially smoke filled lobby.</i></b></p> <p>The lack of general escape signage was picked up in the FRA, but not on the NFSD issued. Signage was done and was found to be in place upon our inspection.</p>
3.1.1.1	<p><b><i>Remember – the duty is all about protecting yourself and other people from exposure to asbestos fibres by managing any asbestos present in a building properly. It is not about removing all asbestos! If the asbestos is in good condition and not likely to be disturbed, it is usually safer to leave it in place and manage it. Removal may be unnecessary and costly!</i></b></p> <p>We concur with the comment but would note that the asbestos is highly likely to be disturbed during the course of the work. In particular the rewiring and renewal of services will require working on walls known to contain asbestos.</p>
3.1.3	<p><b><i>The main aim of the Asbestos Regulations is to reduce the release of fibres to an absolute minimum. Thus where it is possible to encapsulate and protect asbestos based materials from damage, or to undertake work without disturbing asbestos based materials that is what you must do.</i></b></p> <p>It is not possible to undertake a number of the works programmes without disturbing asbestos based materials. We know this due to previous improvement programmes and we are also mindful of our duty to protect operatives from accidental disturbance of asbestos contaminated materials.</p>
3.1.4	<p><b><i>The last thing the Act intended was for wholesale disturbance and damage to asbestos based materials.</i></b></p> <p>We concur but the Act and other legislation puts Southwark under a legal duty of care to operatives</p>
3.1.5	<p><b><i>If asbestos based materials are being damaged and cannot be encapsulated and protected from damage then, and only then, should it be removed.</i></b></p> <p>We concur. The asbestos cannot be protected from damage which then requires removal.</p>
3.1.5.1	<p><b><i>Thus asbestos based floor tiles in excellent undamaged condition should be labelled and protected with a laminate floor or similar. Where carpet is to be applied only the perimeter tiles should be removed to allow for fixing gripper rods . Where sheet vinyl is fitted where removal would damage the asbestos based tiles then all the tiles should be removed.</i></b></p> <p>The floor tiles will be disturbed where these interface with services and abut walls. Moreover, considering the extent of the other asbestos removals planned, it would not be a good use of resources to leave these in place.</p>
3.1.6	<p><b><i>It should be noted that metric size vinyl tiles and sheet material</i></b></p>

	<p><b><i>is asbestos free. Imperial size floor tiles are asbestos based.</i></b></p> <p>We do not concur with this view. It is possible to encounter both metric and imperial sized floor tiles that have some element of asbestos contained within.</p>
3.1.7.1	<p><b><i>The work is non notifiable and does not require specialists to remove. Suitably trained operatives complying with HSE data sheets are required. Respiratory equipment is not required. This is because the asbestos is so well bound up in the tile and the bitumen adhesive that spraying lightly with water prevents release of asbestos fibres.</i></b></p> <p>We agree that this part of the proposed project is not notifiable. It will however, require specific risk assessments and method statements to be developed. Moreover, the disposal of the removed floor tiles, as noted in Regulation 6 and 8 of the Control of Asbestos Regulations 2006, requires all asbestos to be disposed of by a licensed contractor.</p>
3.1.8.2	<p><b><i>This HSE document makes it quite clear that the AIB (asbestos insulating board) should not be disturbed and should be protected. this is because the removal of the AIB (asbestos insulating board) would cause a large degree of asbestos fibre release.</i></b></p> <p>As noted above, it is inevitable that the asbestos will be disturbed by the programme of works, due to the location and proximity of the asbestos to services.</p>
3.3.1	<p><b><i>Some of the walls may be of AIB (asbestos insulating board). These should not be disturbed and should be protected.</i></b></p> <p>Some of the walls do contain AIB and will be disturbed during the course of the works.</p>
3.4.2	<p><b><i>Where the whole flat requires removal of tiling then temporary rehousing should be considered.</i></b></p> <p>We fully concur.</p>
3.5.1	<p><b><i>The kitchen replacement and bathroom replacement is part of normal decent homes work and this would not require Rehousing of tenants.</i></b></p> <p>Under normal circumstances, we would agree. However, due to the design of the blocks (Scissor blocks) it is unrealistic to undertake the works with the resident insitu. A number of partition walls will be removed, including those to the bathroom thus making the property uninhabitable</p>
3.6.6 & 3.6.3.1	<p><b><i>When I tested the vent to flat thirty two I found that there was no noticeable draw although I could feel a slight draft. If the system is working correctly then a sheet of toilet paper should be held against the vent. I therefore reduce the size of the opening to the size of a 50pence piece and found that, instead of air being extracted, air was being blown into the bathroom.</i></b></p> <p><i>This is potentially highly dangerous as smoke and extremely hot gasses would enter into the flat in a fire situation.</i></p>

	<p>We have instructed fire engineers Exovia Warrington Fire to investigate and report back on solutions to a number of duct problems. We await their report and recommendations. The improvement programme has taken account of this and will incorporate, as necessary.</p>
4.1.1.9	<p><b><i>Very often BS 7671 (the 17<sup>th</sup> edition of the IEE regulations {IEE – Institute of Electrical Engineers}) are cited as the appropriate legal standard to work to. This is only appropriate for new installations or new additions to existing installations but NOT to minor repairs or renewals. These standards / regulations are NOT retrospective for the simple reason that on the day the 17<sup>th</sup> edition came into force every installation in the UK was non compliant even though they were perfectly safe. In fact there have been revisions to the 17<sup>th</sup> edition that would render all previous 17<sup>th</sup> edition domestic properties non-compliant!</i></b></p> <p>We note that Mr. Tarling has correctly noted the limitations of his report in terms of electrical installations. Our Electrical Engineer has confirmed that BS 7671 is applicable to all work including minor repairs/renewals i.e. replacement of damaged cable's.</p>
4.1.2	<p><b><i>Whilst the installation does not comply with the British Standard 7671 17<sup>th</sup> edition of the IEE regulations the wiring in flat thirty two is the original plastic covered cables and essentially safe.</i></b></p> <p>This assumption cannot be made unless fully tested inline with BS7671.</p> <p>The condition of the "original" cables cannot be considered "essentially safe" without a suitable inspection. There are pre-define tests to identify any deficiencies within wiring, no definitive statement can be made without these tests being undertaken.</p>
4.1.2.1	<p><b><i>The wiring is not VIR, rubber covered or lead sheathed and will remain functional for the life of the building.</i></b></p> <p>As previously noted, the assumption that the electrical cable's "will remain functional for the life of the building" cannot be supported without carrying out measured testing.</p> <p>The use of a calibrated test instrument needs to be used and obtained readings are compared with the minimum recommended requirements of BS7671.</p> <p>This forms part of a periodic inspection report and the overall assessment made by a competent person will determine the suitability of the cable's for continued use.</p> <p>The construction of the cable is misleading as PVC insulated cable does not guarantee integrity or safe operation.</p> <p>David Miles and Partners (our M&amp;E consultant) has commented that the electrical systems in the flats being in the order of 45 years old are beyond the expected economical life and whilst safe in operation should any changes be required will need complete upgrade to comply with latest regulations.</p>
4.1.2.2	<p><b><i>The consumer unit comprises hard wired fuses without a cover.</i></b></p>

	<p><b><i>As a result a failing fuse could set fire to papers or flammable materials contained in the consumer unit cabinet.</i></b></p> <p>A Mantel unit "cabinet" is not designed as a storage cupboard and should not be used for this purpose. The semi enclosed fuses to BS3036 have a suitable cover installed. The mantel unit which in its original condition is a suitable enclosure, being of metal construction. The fuses will have a carrier installed and the consumer unit will have a cover to insulate any live parts. It is not recommended to replace the existing protection devices purely to allow for storage of combustible material</p>
4.1.2.3	<p><b><i>Whilst the light switch back box is earth bonded there is no earthbonding to the light fittings. The original light rose and pendant bayonet fittings were in plastic and therefore completely safe. Metal fittings installed by the tenants must be earth bonded – this is not the responsibility of the Landlord.</i></b></p> <p>Ceiling roses of class 2 construction do not require a circuit protective conductor to be connected to the outer casing. Any new accessories connected to final circuits need to be installed by competent persons and be suitable for the location. Accessories of class 1 construction, will have a fly lead terminated to the containment system which is utilised as the circuit protective conductor. During and on completion of this work, a minor works certificate is required to be completed.</p>
4.1.3.1	<p><b><i>Replace the fuse carriers and hard-wired fuses with Miniature Circuit Breakers (MCBs).</i></b></p> <p>Semi enclosed fuses are perfectly acceptable under BS7671 and there is no need to change to MCB as a routine procedure.</p>
4.1.3.2	<p><b><i>Provide earthbonding to the light fittings.</i></b></p> <p>An acceptable type of circuit protective conductor is provided to all points of utilisation within the installation. The metal containment does need to be periodically inspected and tested to ensure safety for continued use.</p>
4.1.3.3	<p><b><i>Replace the original light roses and twin flex pendant drops to accommodate earthbonding.</i></b></p> <p>Earth bonding is not required at an accessory. A circuit protective conductor is required to accessories other than class 2 construction.</p>
4.2.2	<p><b><i>The domestic hot and cold water plumbing system will, due to its age, require replacing. This can also be undertaken without the need to decant the property.</i></b></p> <p>Under normal circumstances we would concur. However, due to the proximity of asbestos containing materials and access to the services via these, decanting is required.</p>
4.2.3/4	<p><b><i>I am surprised that the replacement of the waste plumbing and rainwater downpipes is being considered. Cast iron soil stacks and rainwater downpipes installed in the 1930's and many installed in the Victorian era are still performing perfectly well even where fully exposed to direct sun and freezing weather. If the system is of plastic then, as it is protected from UV within</i></b></p>

	<p><b><i>the plumbing should not have failed.</i></b></p> <p><b><i>In my experience all that would be required is a pressure jet clean to remove and accumulations of fat and other debris.</i></b></p> <p>Our maintenance records show that the cast iron pipework has corroded in numerous places. Our experience also shows us that pressure jetting causes further leaks due to the corroded nature of the pipework and the type of jointing material used originally.</p>
4.3.1	<p><b><i>The annual gas safety certificate is NOT sufficient for a large panel system block.</i></b></p> <p>Our Gas Safe registered contractor carries out a gas tightness test to this pipe work once a year when they service and inspect the boilers and issues a safety certificate.</p>
4.3.2	<p><b><i>The gas riser in the refuse chute lobbies appears to be in excellent condition. Further information is required.</i></b></p> <p>The gas riser leaves the gas meter room passing through a wall in to a ventilated service void to outside it then rises up the building passing through the bin chute rooms and plant rooms on it's way to the roof , these rooms are well ventilated and the pipe is sleeved and sealed where it passes though the floors</p>
5.1	<p><b><i>From the brief information provided it is my opinion that the proposed asbestos removal would be in breach of the Control of Asbestos Regulations. Only asbestos that is damaged or is likely to be damaged and cannot be sealed or protected should be removed.</i></b></p> <p>We do not concur with this comment. As asbestos can be reasonable foreseeable to be disturbed during the course of the works, not to remove the asbestos ahead of the main works would place us in a position of non conformity with the Regulations. As such, our intended approach conforms to the Regulations</p>
5.2	<p><b><i>From the information provided it is evident that the specifier has simply listed every possible conceivable work whether it is required or not.</i></b></p> <p>All of the works are required. The programme has not been over specified, as advised by our independent consultants.</p>
5.3	<p><b><i>Without the specifier identifying exactly why each element is, in his or her opinion, required then a sensible decision cannot be reached as to the extent of the required works.</i></b></p> <p>As noted throughout this report, the rationale for the proposed works has been set out. This will enable timely planned preventative maintenance to be undertaken, as endorsed by the Audit Commission. Better value for money will be achieved via the works packaging and lower reactive maintenance and the resultant disturbance for resident's longer term.</p>

## Conclusion

5. As can be seen from the above, there are areas of common ground. However, there are areas of divergence of opinion, most notably on the proposed removal of asbestos and the associated decanting of resident. Our response to these issues remains that the asbestos has to be removed as it is foreseeable that it will be disturbed during the course of the improvement works and that decanting is inevitable due to the locations of the asbestos requiring removal.